

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CASE NO. 21-58123
)
CLAIRMONT PLACE)
CONDOMINIUM ASSOCIATION, INC.) CHAPTER 11
Debtor)

)

STATE OF GEORGIA
COUNTY OF DEKALB

DECLARATION OF GATRA MALLARD
IN SUPPORT OF DETOR'S FIRST DAY MOTIONS

I, Gatra Mallard, declare under penalty of perjury as follows:

1.

I am over the age of 21, of sound mind and otherwise am competent to testify to the matters set forth herein.

2.

I am the President of the Board of Directors of Clairmont Place Condominium Association, Inc. ("Clairmont Place") and, in such capacity, I have direct personal knowledge regarding the matters set forth in the Debtor's:

1. Motion for Entry of an Order (I) Seeking Authority (I) To Continue Pre-Petition Insurance Programs and (II) To Pay Pre-Petition Premiums and Related Obligations
2. Motion for Entry of Interim and Final Orders (I) Prohibiting Utilities from Altering, Refusing, or Discontinuing Service on Account of Prepetition Invoices; (II) Deeming Utilities Adequately Assured of Future Performance; (III) Establishing Procedures for Determining Adequate Assurance of Payment; and (IV) Granting Related Relief
3. Motion For Entry Of An Order (I) Authorizing Continued Use Of Prepetition Bank Accounts, Cash Management System, Forms, And Books And Records And (II) Granting Related Relief
4. Motion to Pay Employees in the Ordinary Course of Business
5. Motion for an Order Authorizing for No Directing Payment of Pre-Petition Claims of Critical Vendors and Trust Payment in Transit

3.

AFFIANT states that the facts and circumstances as set forth in the Motions, which I have read and reviewed, are true and correct.

4.

AFFIANT states that Debtor was organized and incorporated in Georgia on December 20, 1995. The Debtor is a homeowners association, a non-profit, non-commercial corporation, with its principal place of business located at 2100 Clairmont Lake, Decatur, Georgia 30033. The members of the Debtor (the "Owners") are the respective owners of 209 condominium units located at 1800 Clairmont Lake, Decatur, Georgia (the "1800 Building"). In addition to their ownership of their individual condominiums located in the 1800 Building, each Owner, who must be aged 55 years or older, possesses, as specified in the Association's Declaration of Condominium, an undivided interest, equivalent to his or her fraction of ownership, in a building located at 2100 Clairmont Lake (the "2100 Building), whose first floor provides communal space and services to the Owners, and whose second floor houses the Montclair (as described below), a personal care home whose residents pay monthly fees for services to the Association.

Clairmont Place offers two especially attractive amenities: Montclair at Clairmont Place Personal Care Home ("Montclair") and Dining Services. Residents and their families like the assurance that there will be a place for residents in Montclair should they be unable to take care of themselves in their condominiums. Dining Services is the heart of the community, providing opportunities for social interaction in addition to nutritious meals. Montclair at Clairmont Place Personal Care Home ("Montclair") offers assisted and independent living for the elderly. When residents require assistance with the activities of daily living, they can move to Montclair. Montclair is licensed as a Personal Care Community which is licensed under State law pursuant to Chapters 2 and 7 of O.C.G.A. Title 31, permit granted pursuant to OCGA §31-87-3 and regulated pursuant to Rule 111-8-62 (Rule.sos.state.ga.us.gac). As a personal care community Montclair provides a

safe and secure environment where residents live a relatively independent lifestyle but also receive support with certain daily activities. These activities may include bathing, dressing, medication administration, mobility, and more. Montclair's trained staff are present to help residents perform these tasks safely while respecting and promoting independence. This Chapter 11, SubChapter V Case was necessitated primarily by the following: (a) The lower occupancy at Montclair because of the covid-19 pandemic; (b) The need to increase wages beginning in 2018, which was exacerbated during the covid-19 pandemic; and (c) Significant expenditures incurred since 2018 remediating deferred and inadequate maintenance.

5.

As set forth in the Motions, Debtor's operations are complex including five bank accounts, bi-weekly payrolls, staffing for an elderly population with medical care provided by third parties who come on site. Food must be delivered weekly to feed both the Montclair population and the Owners. Other vendors as set forth in the Motions are necessary and critical. Affiant supports the facts and circumstances set forth in the Motions.

FURTHER AFFIANT SAYETH NOT.



Gatra Mallard, Board President for
Clairmont Place Condominium Association, Inc. Inc.
Its President, Board of Directors